

May 17, 2013

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
May 17, 2013

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 1:05 P.M. AT 400 WEST MONROE STREET, SUITE 306, SPRINGFIELD, ILLINOIS

II. PRESENT

Garrett P. FitzGerald, Chairman; Anita M. Cummings and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Mark Magill, Illinois Department of Central Management Services; Michelle Jackson (by telephone) and Dana Yowell (by telephone), Illinois Department of Children and Family Services; Emily Monk (by telephone), Illinois Department of Commerce and Economic Opportunity; Karey Wanless, Illinois Department of Corrections; Susan Gold (by telephone), Richard DiDomenico (by telephone), and Matt Glavin (by telephone), Illinois Department of Financial and Professional Regulation; Karen Weathers (by telephone), Illinois Gaming Board; Elizabeth Sarmiento (by telephone) and Heidi Guernsey (by telephone), Illinois Department of Human Services; Michele Cusumano and Lori Elston, Illinois Department of Natural Resources; Beth Duesterhaus (by telephone) and Lisa Prose (by telephone), Shared Services Center; and Lawrence Beckom.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD APRIL 19, 2013

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 3-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD APRIL 19, 2013.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Chairman Garrett P. FitzGerald offered an opportunity for any person to address members of the Commission. Lawrence Beckom rose and identified himself. He voiced a general complaint about the amount of time it takes for matters to be resolved by the Commission, noting affected employees who lost their jobs due to injustice are out of work during the period of investigation. Chairman FitzGerald thanked him for his comment and promised to review this matter with Staff and respond.

May 17, 2013

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Illinois Dept. of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	143	16
Agriculture.....	321	16
Arts Council.....	17	2
Capitol Development Board	45	0
Central Management Services	1,511	113
Children and Family Services.....	2,745	50
Civil Service Commission	4	0
Commerce & Economic Opportunity	374	69
Commerce Commission.....	77	0
Corrections	11,185	105
Criminal Justice Authority.....	56	5
Deaf and Hard of Hearing Comm.....	6	1
Developmental Disabilities Council	8	1
Emergency Management Agency	86	5
Employment Security	1,481	31
Environmental Protection Agency.....	811	16
Financial & Professional Regulation	424	43
Gaming Board	141	6
Guardianship and Advocacy	103	7
Healthcare and Family Services	2,068	25
Historic Preservation Agency	161	14
Human Rights Commission	13	2
Human Rights Department	135	9
Human Services.....	11,389	77
Illinois Sentencing Policy Advisory Council.....	2	2
Insurance	225	15
Investment Board.....	3	2
Juvenile Justice.....	993	24
Labor	86	11
Labor Relations Board Educational	10	2
Labor Relations Board State.....	18	2
Law Enforcement Training & Standards Bd.....	16	2
Lottery	142	7
Military Affairs.....	117	3
Natural Resources.....	1,079	27
Pollution Control Board.....	19	2
Prisoner Review Board.....	16	0
Property Tax Appeal Board	28	1
Public Health	1,075	40
Racing Board.....	3	1
Revenue	1,697	51
State Fire Marshal.....	134	12
State Police	1,093	7
State Police Merit Board.....	5	1
State Retirement Systems	98	2
Transportation.....	2,140	0
Veterans' Affairs	1,285	9
Workers' Compensation Commission	130	8
TOTALS.....	43,718	844

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

* * *

C. Requests for 4d(3) Exemption

Executive Director Daniel Stralka reported:

- As to Item C, this request is for the Director of the Office of Conservation Resource Marketing at the Department of Natural Resources, a position that reports to the Director. This request was continued from last month's meeting due to overlap with the Media Administrator position. The agency submitted a clarified position description form that focused on its responsibilities marketing state parks and other agency recreation and tourism facilities. As this is the only such marketing position at the agency – and the only one the agency will be seeking – and overlapping media/public information responsibilities were removed from the position description, Staff recommended approval of this request. It must be noted that there is a social media component to this position description. Staff was unable to get any clarification as to whether social media would be encompassed under the responsibilities of Media Administrators so a presumption was made that it would be under Media Administrators. The significance of this would be that social media may not be used by agencies to justify Section 4d(3) exemption requests independent of Media Administrators.
- As to Item D, the agency requested that this be continued to the June 21, 2013 meeting.
- As to Item E, this request is for a Legislative Liaison or Legislative Staff Person at the Department of Children and Family Services, a position that reports to the Chief Legislative Liaison who reports to the Director. The position description contains language that this position will be performing “back office” responsibilities in the agency's legislative office as well as more traditional legislative liaison responsibilities. Staff had a concern because historically the Commission has indicated it would not extend principal policy exemptions to positions in the legislative office that perform administrative duties. However, a check of this position description to other already-exempt legislative liaison positions in the agency revealed that they are, for the most part, similar. The agency has also indicated that this position has not been included in any bargaining unit. For those reasons, Staff recommended approval of this request provided the Commissioners are comfortable with the agency having six Section 4d(3) exempt legislative liaison positions. Commissioner Krey inquired whether any of the legislative liaison positions are vacant. Michelle Jackson indicated they were not. Commissioner Cummings inquired why the agency needs six legislative liaisons as five seems excessive. Michelle Jackson replied that two of the positions are currently assigned to the Governor's Office by Interagency Agreement, doing similar work on behalf of the agency as well as multiple other agencies. Chairman FitzGerald inquired which agencies were involved. Michelle Jackson indicated she was unsure which specific agencies were involved.
- As to Item F, the agency requested that this be continued to the June 21, 2013 meeting.
- As to Item G, the agency requested that this be continued to the June 21, 2013 meeting.
- As to Item H, the agency requested that this be continued to the June 21, 2013 meeting.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 3-0 TO CONTINUE THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:

- D: Deputy General Counsel, Business Enterprise Program (CMS)**
- F: Assistant Legislative Liaison (EPA)**
- G: Assistant Director of the Division of Family & Community Services (DHS)**
- H: Liaison (DPH)**

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 3-0 TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

- C: Office Director, Office of Conservation Resource Marketing (DNR)**
- E: Administrative Assistant (CFS)**

The following 4d(3) exemption requests were continued on April 19, 2013:

D. Illinois Department of Central Management Services

Position Number	40070-37-70-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Legal Services
Functional Title	Deputy General Counsel, Business Enterprise Program
Incumbent	Vacant
Supervisor	General Counsel for Legal Services who reports to the Director
Location	Sangamon County

F. Illinois Environmental Protection Agency

Position Number	37015-46-00-000-00-01 ¹
Position Title	Public Service Administrator
Bureau/Division	Director's Office
Functional Title	Assistant Legislative Liaison
Incumbent	Vacant
Supervisor	Chief Legislative Liaison who reports to the Director
Location	Cook County

¹ Exemption was rescinded on November 16, 2012.

G. Illinois Department of Human Services

Position Number	40070-10-90-010-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Family and Community Services
Functional Title	Assistant Director of the Div. of Family & Community Services
Incumbent	Vacant
Supervisor	Director of the Div. of Family & Community Services who reports to the Assistant Secretary who reports to the Secretary
Location	Cook County

H. Illinois Department of Public Health

Position Number	13852-20-03-030-20-01
Position Title	Executive I
Bureau/Division	Government Affairs
Functional Title	Liaison
Incumbent	Vacant
Supervisor	Assistant Legislative Liaison who reports to the Deputy Director who reports to the Director
Location	Sangamon County

The following 4d(3) exemption requests were granted on May 17, 2013:

C. Illinois Department of Natural Resources

Position Number	40070-12-00-010-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Conservation Resource Marketing
Functional Title	Office Director, Office of Conservation Resource Marketing
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

E. Illinois Department of Children & Family Services

Position Number	00502-16-00-300-01-03
Position Title	Administrative Assistant II
Bureau/Division	Director's Office
Functional Title	Administrative Assistant
Incumbent	Vacant
Supervisor	Chief Legislative Liaison who reports to the Director
Location	Cook County

I. Proposed Rescissions in accordance with Section 1.142(b) of the Rules of the Civil Service Commission

Executive Director Daniel Stralka first noted that the reason most of these positions were included for proposed rescission was due to extended vacancy in excess of two years. On April 15, 2013, he provided notice to the Director of Central Management Services in accordance with Commission Rules followed by letters to all affected agency directors notifying them of which positions may be placed on this month's agenda for rescission and why. These notices included 70 positions. Many issues were resolved during this initial period so that when it came time to finalize the agenda only 24 positions were included for the Commission to determine if their 4d(3) exemptions should be rescinded.

As a reminder, Commission rules provide that rescissions shall be approved only after the Commission has determined that an adequate level of managerial control exists in exempt status which will insure responsive and accountable administrative control of agency programs. It is Commission staff's position that such control exists for all these proposed rescissions.

The agencies have consented to the rescissions for the following positions. Staff recommended approval of these rescissions: I1, I13, I14, and I16.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS AND THE MOTION ADOPTED 3-0 TO RESCIND THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

- I1: BOB, Medical & Healthcare Portfolio (CMS)**
- I13: Associate Director-Family Health (DHS)**
- I14: Assistant, Compliance Access & Workplace Safety (DHS)**
- I16: Assistant Warden Operations-Murphysboro (DJJ)**

After communicating with the agencies over the past two weeks, Staff recommends denial of the following rescissions for a variety of reasons including the position being filled and the position not being vacant for two years: I2, I3, I7, I8, I9, I10, I11, I12, I13, I15, and I19 through I24.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 3-0 TO DENY THE PROPOSED RESCISSIONS FROM 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

- I2: BOSS, General Services, Contractual Labor & Specialty Services (CMS)**
- I3: Certification Coordinator (CMS)**
- I7: Assistant Warden Operations-Taylorville (DOC)**
- I8: Assistant Warden Programs-Logan (DOC)**
- I9: Legislative Liaison (FPR)**
- I10: Agency Procurement (FPR)**

- I11: Policy Advisor, Investigations & Legislation (IGB)**
- I12: Chief Financial Officer (HPA)**
- I13: Associate Director-Family Health (DHS)**
- I15: Associate Deputy Director, State Operated Development Ctr. (DHS)**
- I19: Assistant Warden Operations-Warrenville (DJJ)**
- I20: Director, Fair Labor Standards (DOL)**
- I21: Project Manager, Regional Economic Development Plan (DNR)**
- I22: Legislative Liaison (SFM)**
- I23: Fire Safety Compliance Manager (SFM)**
- I24: Manager, Grants Writing & Proposals (DVA)**

IT WAS THEN MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 3-0 TO AMEND THE MOTION PREVIOUSLY ADOPTED DENYING PROPOSED RESCISSIONS TO STRIKE ITEM I13 WHICH HAD BEEN INCLUDED IN ERROR.

Executive Director Stralka noted that left five proposed rescissions among the Illinois Departments of Commerce and Economic Opportunity and Juvenile Justice. As to the three positions in the Department of Commerce and Economic Opportunity, he noted the following:

Item I4 has been vacant for over three and a half years.

Item I5 is currently vacant and Staff believes there is substantial overlap in its publication responsibilities with a position in Central Management Services that has similar responsibilities on a statewide basis.

Item I6 has been vacant two and a half years. However, its program – one of ten Regional Economic Development Managers – has consistently had a position extended vacant over the past several meetings.

As to Item I4, Emily Monk responded that issues regarding its inclusion in a collective bargaining unit were being settled and the agency objects to the proposed rescission. Commissioner Krey inquired when the last time the position was filled. Emily Monk replied fall of 2009.

As to Item I5, Emily Monk responded that the agency reserves its strongest objection to this proposed rescission and was seeking a continuance to allow it additional time to present information as to why it still qualifies for exemption. Commissioner Krey indicated this was acceptable.

As to Item I6, Emily Monk responded that the agency objects to the proposed rescission and pointed out that this is presently the only one of the Regional Economic Development Managers that was currently vacant. The agency is giving consideration to reducing the exempt headcount of this program.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 3-0 TO CONTINUE THE PROPOSED RESCISSION OF THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS TO THE COMMISSION’S SCHEDULED NOVEMBER 15, 2013 MEETING:

- I4: Legislative Liaison-International Trade Office (CEO)**
- I5: Director, Marketing & Publications (CEO)**
- I6: Regional Manager-West Central Region (CEO)**

As to the two positions in the Department of Juvenile Justice, Executive Director Stralka noted that I17 has been vacant seven years and I18 has been vacant for almost six years. The agency did not have a representative present at the meeting and its only substantive response was that the agency was working to fill the position. Mark Magill, Central Management Services, Technical Services, indicated he had not heard anything further from the agency. Commissioner Krey noted the absence of an agency representative.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS AND THE MOTION ADOPTED 3-0 TO RESCIND THE 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

- I17: Assistant Warden Operations-IYC Chicago (DJJ)**
- I18: Assistant Warden Programs-Harrisburg (DJJ)**

The following 4d(3) exemptions were rescinded on May 17, 2013:

Item	Agency	Position Number	Functional Title
I1	CMS	40070-37-30-000-40-01	BOB, Medical & Healthcare Portfolio
I13	DHS	26404-10-21-000-00-01	Associate Director-Family Health
I14	DHS	40070-10-16-000-00-01	Assistant, Compliance Access & Workplace Safety
I16	DJJ	40070-27-16-300-00-01	Assistant Warden Operations-Murphysboro
I17	DJJ	40070-27-17-300-00-01	Assistant Warden Operations-IYC Chicago
I18	DJJ	40070-27-20-200-00-01	Assistant Warden Programs-Harrisburg

The following 4d(3) exemption rescissions were denied on May 17, 2013:

Item	Agency	Position Number	Functional Title
I2	CMS	40070-37-41-820-00-01	BOSS, GS, Contractual Labor & Specialty Services
I3	CMS	40070-37-60-020-10-01	Certification Coordinator
I7	DOC	40070-29-56-300-00-01	Assistant Warden Operations-Taylorville
I8	DOC	40070-29-88-200-00-01	Assistant Warden Programs-Logan
I9	FPR	37015-13-04-200-00-01	Legislative Liaison

Item	Agency	Position Number	Functional Title
I10	FPR	40070-13-00-300-00-01	Agency Procurement
I11	IGB	40070-50-69-000-20-01	Policy Advisor, Investigations & Legislation
I12	HPA	40070-48-00-100-00-01	Chief Financial Officer
I15	DHS	40070-10-66-200-10-01	Assoc. Dep. Director, State Operated Development Center
I19	DJJ	40070-27-42-300-00-01	Assistant Warden Operations-Warrenville
I20	Labor	40070-15-30-100-00-01	Director, Fair Labor Standards
I21	DNR	40070-12-00-300-00-01	Project Manager, Regional Economic Development Plan
I22	SFM	37015-50-50-000-02-16	Legislative Liaison
I23	SFM	37015-50-50-100-00-16	Fire Safety Compliance Manager
I24	DVA	37015-34-00-000-02-01	Manager, Grants Writing & Proposals

The following 4d(3) exemption rescissions were continued to November 15, 2013:

Item	Agency	Position Number	Functional Title
I4	CEO	37015-42-00-000-01-01	Legislative Liaison-International Trade Office
I5	CEO	40070-42-00-010-00-01	Director, Marketing & Publications
I6	CEO	40070-42-10-600-00-01	Regional Manager (West Central Region)

VI. CLASS SPECIFICATIONS

- None submitted.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 3-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

VII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE THE MOTION ADOPTED 3-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), 2(c)(5), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

FITZGERALD	YES	CUMMINGS	YES
KREY	YES		

May 17, 2013

VIII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 400 West Monroe Street, Suite 306, Springfield, Illinois at 1:45 p.m.

PRESENT

Chairman Garrett P. FitzGerald; Anita M. Cummings and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris, Assistant Executive Director.

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Illinois Department of Central Management Services' Consecutive Non-Merit Report.

Agency	3/31/13	4/30/13	4/30/12
Aging	0	0	1
Arts Council	0	1	1
Children and Family Services	2	4	3
Corrections	1	0	1
Employment Security	1	0	0
Healthcare and Family Services	2	7	3
Human Rights	0	0	1
Human Services	1	0	4
Insurance	1	0	0
Natural Resources	2	1	1
Property Tax Appeal Board	0	2	0
Public Health	1	1	0
Revenue	4	1	0
State Fire Marshal	0	0	0
State Police Merit Board	0	1	0
State Retirement Systems	1	0	0
Transportation	10	2	0
Veterans' Affairs	3	2	0
Totals	29	22	15

X. INTERLOCUTORY APPEALS

DA-29-13

Employee	James E. Huddleston	Appeal Date	02/06/13
Agency	Corrections	Decision Date	04/19/13
Type	Discharge	ALJ	Andrew Barris
Issue(s)	No response to Motion to Dismiss or Amended Motion to Dismiss	Proposal for Decision	Dismissed subject to approval of the Commission; default (failure to provide info.)

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE’S PROPOSAL FOR DECISION TO DISMISS THE APPEAL FOR DEFAULT. THE COMMISSION FINDS THAT RESPONDENT’S FAILURE TO PROVIDE REQUESTED INFORMATION, RESPOND TO THE MOTION TO DISMISS, AND/OR AMENDED MOTION TO DISMISS CONSTITUTES DEFAULT.

**FITZGERALD YES CUMMINGS YES
KREY YES**

DA-33-13

Employee	June Brooks	Appeal Date	3/01/13
Agency	Human Services	Decision Date	4/24/13
Type	Discharge	ALJ	Daniel Stralka
Issue(s)	Motion to Dismiss for no jurisdiction (late filing of appeal)	Proposal for Decision	Grant the Motion to Dismiss subject to approval of the Commission; no jurisdiction.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE’S PROPOSAL FOR DECISION TO GRANT THE MOTION TO DISMISS FOR NO JURISDICTION. THE COMMISSION FINDS THAT RESPONDENT’S FAILURE TO FILE HER APPEAL WITHIN 15 DAYS AFTER RECEIPT OF THE APPROVED CHARGES RESULTED IN THE COMMISSION HAVING NO JURISDICTION OVER THIS MATTER.

**FITZGERALD YES CUMMINGS YES
KREY YES**

May 17, 2013

DA-37-13

Employee	Floyd S. Crenshaw	Appeal Date	4/02/13
Agency	Corrections	Decision Date	5/02/13
Type	Discharge	ALJ	Andrew Barris
Issue(s)	Motion to Dismiss because judicial verdict is still pending	Proposal for Decision	Deny Motion to Dismiss and refer back to ALJ for hearing.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY AND THE MOTION ADOPTED TO DENY THE MOTION TO DISMISS AND REFER THE MATTER BACK TO THE ADMINISTRATIVE LAW JUDGE FOR HEARING.

XI. **PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS**

DA-3-13

Employee	Lydia E. Johnson	Appeal Date	8/02/12
Agency	Human Services	Decision Date	5/03/13
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO UPHOLD THE DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MAY 3, 2013.

**FITZGERALD YES CUMMINGS YES
KREY YES**

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DA-9-13

Employee	William J. Watson	Appeal Date	9/06/12
Agency	Corrections	Decision Date	5/02/13
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO UPHOLD THE DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MAY 2, 2013

FITZGERALD YES CUMMINGS YES
KREY YES

RV-16-13

Employee	Ukanno Foxworth	Appeal Date	10/23/12
Agency	Environmental Protection	Decision Date	04/19/13
Appeal Type	Rule Violation	ALJ	Andrew Barris
Issue(s)	Was Section 302.90 of the Personnel Rules violated when employee was not awarded a promotion to a position?	Proposal for Decision	No violation.

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE PETITIONER HAS NOT PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT A VIOLATION OF THE PERSONNEL CODE OR PERSONNEL RULES OCCURRED AS ALLEGED FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED APRIL 19, 2013. THE APPEAL IS DENIED.

FITZGERALD YES CUMMINGS YES
KREY YES

RV-19-13

Employee	Cathleen J. Hombs	Appeal Date	11/27/12
Agency	Corrections	Decision Date	04/17/13
Appeal Type	Rule Violation	ALJ	Andrew Barris
Issue(s)	Were Sections 310.100 & 310.490 violated by the employee's starting salary amount?	Proposal for Decision	No violation.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE PETITIONER HAS NOT PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT A VIOLATION OF THE PERSONNEL CODE OR PERSONNEL RULES OCCURRED AS ALLEGED FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED APRIL 17, 2013. THE APPEAL IS DENIED.

**FITZGERALD YES CUMMINGS YES
KREY YES**

XII. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

DA-27-13

Employee	Cathy D. Alexander	Appeal Date	2/01/13
Agency	Human Services	Decision Date	4/24/13
Appeal Type	Discharge	Proposal for Decision	Dismissed subject to approval of the Commission; settled.
ALJ	Daniel Stralka		

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 3-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE DISMISSAL OF THE APPEAL FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION.

**FITZGERALD YES CUMMINGS YES
KREY YES**

May 17, 2013

XIII. STAFF REPORT

Executive Director Daniel Stralka reported:

- Commissioner Garrett P. FitzGerald has been designated by the Governor to serve as Chairman of the Civil Service Commission effective May 10, 2013.
- The Civil Service Commission was recognized at the State Employees Combined Appeal (SECA) Awards on May 16. We received two awards: one for increasing the number of donors and one for exceptional giving. Coordinator Beckie Daniken expressed her gratitude for the staff and Commissioner participation.
- He appeared before the House General Services Appropriation Committee with Brian Collins on April 25, 2013 to present the Commission's fiscal year 2014 budget request.
- The Auditor General released its Management Audit of Management Positions (LAC141 audit). While the audit was directed mostly at Central Management Services, it did contain a recommendation for the Commission to approve principal policy exemptions in compliance with the Personnel Code.
- While no lease has been tendered for consideration by the Commission, it appears highly likely that the Springfield office will be relocating to the Illinois Building, 607 East Adams Street, sometime during the week of June 24. Details will be forthcoming.
- The Benefit Choice Period for State employees is from May 1 to May 31, 2013. If there are no changes to be made to carriers, dependents, etc., do nothing. If changes are needed, contact Brian Collins to help facilitate these changes.

XIV. RECOGNITION OF COMMISSIONER ARES G. DALIANIS' SIX YEARS OF SERVICE

ON MOTION OF COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY (WHICH WAS JOINED IN BY CHAIRMAN FITZGERALD), A RESOLUTION WAS MADE AND UNANIMOUSLY PASSED TO RECOGNIZE ARES DALIANIS' SIX YEARS OF SERVICE TO THE CIVIL SERVICE COMMISSION AS COMMISSIONER. A SUITABLE COPY OF THIS RESOLUTION OF APPRECIATION IS TO BE SIGNED BY ALL COMMISSIONERS, FRAMED, AND PRESENTED TO COMMISSIONER DALIANIS.

May 17, 2013

XV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, June 21, 2013 at 10:30 a.m. in the Commission's Chicago office.

XVI. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 3-0 TO ADJOURN THE MEETING AT 1:55 P.M.